

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY L. REYES,

Plaintiff,

-vs-

JOHN DOE and JOHN ROE, sued in their  
individual capacities,

Defendants.  
-----X

**BRIEANT**

COMPLAINT

Jury Trial Demanded

ECF Case

**07 CIV. 6524**

FILED  
U.S. DISTRICT COURT  
2007 JUL 19 P 2:46  
S.D. OF N.Y. W.P.

**I. INTRODUCTION**

This is a civil rights action alleging that defendant police officials falsely arrested plaintiff Reyes and subjected him to excessive force on July 7, 2006 in the City of Newburgh.

**II. PARTIES**

1. Plaintiff Anthony L. Reyes is a Protestant minister and electrician who resides in the City of Newburgh.
2. Defendant John Doe is a police officer employed by the City of Newburgh. He is a State actor and may be sued in his individual capacity.
3. Defendant John Roe is a police officer employed by the City of Newburgh. He is a State actor who may be sued in his individual capacity.

**III. JURISDICTION AND VENUE**

4. As plaintiff brings this action to enforce the United States Constitution, this Honorable Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343(3) & (4) and 42 U.S.C. §§ 1983 and 1988.

5. The events giving rise to this action arose in the City of Newburgh, within this Judicial district.

#### **IV. FACTUAL AVERMENTS**

6. In July 2006, plaintiff resided in a two-story townhouse at 168 Lakes Drive, Building 27 in the City of Newburgh.
7. On the evening of July 7, 2006, plaintiff saw a woman looking through the first floor window of his home. The woman appeared to be intoxicated.
8. Concerned about his children who were asleep in the upstairs bedroom, plaintiff called the City of Newburgh Police Department.
9. When the police arrived, plaintiff went outside to talk with them.
10. Without any provocation, Officer Doe grabbed plaintiff in a headlock and began to punch him in the head, while Officer Roe grabbed plaintiff's left arm and handcuffed him.
11. Roe held plaintiff's arm painfully while Doe beat him unconscious. A female witness watched from the doorway, screaming to the police to stop.
12. Officers Doe and Roe transported plaintiff to the Newburgh Police Station, where he was charged, *inter alia*, with disorderly conduct and maliciously denied necessary medical treatment. Defendants lacked any probable cause or legal basis to arrest plaintiff.
13. Plaintiff was next incarcerated in the Orange County Correctional Facility, where he remained for the weekend.
14. All charges against plaintiff were dismissed by the Newburgh City Court.

15. As a result of the beating, plaintiff suffered a concussion and internal bleeding which rendered him disoriented and unable to work for approximately six months.
16. As a consequence of the excessive force and false arrest, plaintiff lost his employment, became homeless and has been unable to serve his congregation as its minister. Plaintiff has also suffered head pain, injuries to his left wrist, chest and back, as well as emotional trauma.

#### **V. CAUSES OF ACTION**

17. Plaintiff incorporates the allegations in ¶¶ 1-16 as if fully restated herein.
19. Defendants falsely arrested plaintiff and maliciously prosecuted him in violation of the Fourth and Fourteenth Amendments to the United States Constitution.
20. Defendants subjected plaintiff to excessive force in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

#### **VI. PRAYER FOR RELIEF**

Plaintiff requests that this Honorable Court:

- a. accept jurisdiction over this case;
- b. award to plaintiff damages for physical and emotional pain and suffering;
- c. award to plaintiff punitive damages for the malicious and wanton violations committed by defendants;
- d. award to plaintiff reasonable attorneys' fees and costs expended in litigating this matter; and
- e. award other relief deemed just and proper.

Dated: July 16, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen Bergstein", with a stylized flourish at the end.

STEPHEN BERGSTEIN (6810)

HELEN G. ULLRICH (6597)

BERGSTEIN & ULLRICH, LLP

15 Railroad Avenue

Chester, New York 10918

(845) 469-1277

Counsel for plaintiff